IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2849 OF 2006

Pramila Sumansingh Thakur ... Petitioner
V/s.
State of Maharashtra & Ors. ... Respondents

Mr. Milind Sathe, Sr. Counsel with Ms. S.R. Kumbhat and Kamalkishor Tated for petitioner.
Mr. Pradeep Jadhav, AGP for respondent No.1.
Ms. Preeti Purandare for respondent Nos. 2 & 3.
Mr. G.D. Utangale i/b. M/s. Utangale & Co. for respondent Nos. 4 & 5.
Mr. J. Reis, Sr. Counsel with Mr. S.G. Surana for respondent Nos. 6.
Mr. S.U. Kamdar with Mr. Umashankar Upadhyay for applicant.

CORAM : F.I. REBELLO &
ANOOP V. MOHTA,JJ.
DATED : 28th November, 2006

P.C.

. It is the case of the petitioner that they had applied for SRA scheme both for final plot 559 and part of final plot 569 which consists of four chawls that had 32 tenants. Their grievance is that though the application is of the year 2001, the respondent authorities have issued LOI in favour of respondent No. 6. Respondent No. 6 had put up a proposal for SRA scheme including the four chawls. There are altogether 186 persons including the 32 from the four chawls. It may now at this stage be set out that SRA scheme in respect of final plot 559, according to learned counsel for the petitioner has been kept

pending, in view of the orders of this Court directing that no SRA scheme can be sanctioned for play ground/RG area. In view of the order of this Court RG area cannot be subject matter of SRA scheme. The petitioner had earlier approached this Court by Writ Petition No. 397 of 2006. By order dated 29th March, 2006, the petition was disposed of. The petitioner preferred appeal No. 731 of 2006 which was disposed of with liberty to the petitioner to apply to Court for interim protection. The petitioner moved this Court by order dated 22nd June, 2006. We had directed SRA to pass appropriate orders and an order came to be passed on 28th June, 2006 whereby claim of the petitioner herein for development of the part of the final plot 569 has been rejected and the claim of respondent No. 6 society for SRA scheme has been upheld.

2. At the hearing of this petition, the learned counsel firstly contends that their application has been rejected on non-subsisting grounds. It is firstly pointed out that the authorities proceeded on the footing that there was no scheme submitted for final plot 569 (part). The learned counsel draws our attention to the draft report submitted to CEO,

wherein reference is also made to final plot 569 (part). It is then contended that the finding that the financial capabilities of the developer was not certified by the Financial Controller (SRA) also could not be held against them as by letter dated 05.04.2002 the necessary information has been conveyed to the Financial Controller and it was for the Financial Controller to have issued necessary certificate. Lastly, it is submitted that the Annexure II issued by the Ward Officer on 15.10.1996 could not have been the basis, not to consider the petitioner’s application.

3. As we have noted time and again, the entire concept of SRA scheme is for rehabilitation of the slum dwellers. It is immaterial which developer puts up the construction. Insofar as this Court is concerned, that would be irrelevant. This Court is not concerned by the proxy battles that are being played before this Court by builders under the SRA Scheme.

. On behalf of respondents, the learned counsel points out that all the persons have been given transit accommodation including the 32 in the four chawls. That is seriously disputed on behalf of the

petitioner by contending that those tenants continue to reside in the four chawls. Respondents also point out that building is under construction.

4. In our opinion, considering that respondent No.6 had submitted a proposal for the available area of final plot 569 including the four chawls and in the absence of the petitioner being granted permission for development of final plot 559 irrespective of other consideration, we see no reason why respondent No.6 should not be allowed to proceed with the SRA scheme. Considering the above, in our opinion, this would not be a fit case for this Court to interfere with the decision taken by the SRA in granting LOI in favour of respondent No. 6. This is not therefore a fit case for this Court to invoke its extra-ordinary jurisdiction. Hence, petition rejected.

5. The petitioner also prayed for a prayer which really is not concerned with the SRA scheme, but for the payment of compensation by the Municipal Corporation. It will be open to the petitioner to pursue that relief before the Municipal Corporation.

[F.I. REBELLO, J.]

[ANOOP V. MOHTA, J.]